

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1649.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WINE.

On January 26, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels containing 50 bottles each, and 25 cases containing 12 bottles each, of wine, remaining unsold in the original unbroken packages, and in possession of Gladstone Bros., Omaha, Nebr., alleging that the 8 barrels of the product had been shipped, on or about November 10, 1911, and the 25 cases on or about November 17, 1911, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Serial number 124, guaranteed not to be adulterated or misbranded within the meaning of the National Food Law of June 30, 1906. Special Scuppernong Ohio Wine. Gladstone Bros. Omaha, Nebr. 50 bottles." The 25 cases were labeled: "Special scuppernong Ohio Wine. Gladstone Brothers, Omaha, Nebr. Glass 12 bottles. Serial number 124. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law June 30, 1906. Special Scuppernong Ohio Wine." Each bottle in the 8 barrels and 25 cases was labeled: "25 ozs. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. Trade mark—Special Queen of Lake Erie Ohio Scuppernong Wine—Alcohol proof 11 to 13, intoxicating, capacity 25 ounces."

Adulteration was charged in the libel for the reason that grape pomace wine had been mixed with the product so as to reduce, lower,

and injuriously affect its quality and strength, and further, in that a certain substance, to wit, grape pomace wine, had been substituted in whole or in part for scuppernong wine. Misbranding was alleged for the reason that the product was a grape pomace wine offered for sale under the distinctive name of scuppernong wine, and further, that it was labeled and branded so as to deceive and mislead the purchaser in that it purported to be scuppernong wine when in truth and in fact it was a grape pomace wine; and, further, in that the product bore a statement and label regarding the ingredients and substances contained therein, to wit, "Alcohol proof 11 to 13, intoxicating, capacity 25 ounces," which said statement was false and misleading for the reason that the product contained nearly twice the amount of alcohol stated on said label.

On April 22, 1912, the Sweet Valley Wine Co., Sandusky, Ohio, claimant, having withdrawn the answer to the libel heretofore filed by them, and consented to a decree pro confesso, judgment of condemnation and forfeiture was entered, and the court found that the product was adulterated and misbranded. It was ordered that upon payment of all costs by said claimant and the execution and delivery of bond by it, in conformity with section 10 of the Act, the product that had been seized should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1912.*

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